

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MANUEL OLIVERA PAGÁN, et als.

Plaintiffs

v.

MANATÍ MEDICAL CENTER, INC., et als.

Defendants

CIVIL NO.: 14-1553 (FAB)

**OPPOSITION TO FEDERAL DEFENDANT'S MOTION TO ALTER
AMENDED JUDGMENT**

TO THE HONORABLE COURT:

COME NOW plaintiffs, through their undersigned counsel, and very respectfully state and pray as follows:

1. On January 9, 2015 codefendant Dr. Hernán Fuentes Figueroa filed a motion to alter the amended judgment entered on December 12, 2014 (Docket No. 22). In his motion codefendant Dr. Fuentes alleges that his actions at the Manatí Medical Center, an entity that is not covered by the FTCA, are nevertheless covered under the Federal Torts Claim Act ("FTCA").

2. Dr. Fuentes in his motion clearly states that he billed privately for the labor and delivery services rendered to plaintiff at the Manatí Medical Center as permitted under the FTCA.

3. However, in order to extend FTCA coverage to his services at Manatí Medical Center Dr. Fuentes had the obligation to report and transfer directly to his

employer, Ciales Primary Health Services, Inc., all funds received by him for his services at Manatí Medical Center “within a reasonable period of time.”

4. Dr. Fuentes’ motion fails to provide any evidence establishing that he in fact reported and transferred to Ciales Primary Health Services, Inc. the funds received from his private billings within a timely manner and/or that the funds were even transferred. These two requirements of the FTCA Policy Manual have not been met by Dr. Fuentes, therefore he is not entitled to FTCA coverage for his medical services to plaintiff at the Manatí Medical Center.

WHEREFORE, plaintiffs respectfully request that this Honorable Court DENY Dr. Fuentes’ motion to alter the amended judgment entered on December 12, 2014.

I HEREBY CERTIFY that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 16th day of January, 2015.

s/Alejandro J. Fernández Muzaurieta
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